

## COMMISSIONERS

GLENN F. IVEY  
CHAIRMANCLAUDE M. LIGON  
SUSANNE BROGAN  
CATHERINE I. RILEY  
J. JOSEPH CURRAN, III

RECEIVED

STATE OF MARYLAND

NOV 3 - 2000

FCC MAIL ROOM



DOCKET FILE

ORIGINAL

SUSAN S. MILLER  
GENERAL COUNSELFELECIA L. GREER  
EXECUTIVE SECRETARYGREGORY V. CARMEN  
EXECUTIVE DIRECTOR

## PUBLIC SERVICE COMMISSION

October 31, 2000

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W. TW-204B  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: CC Docket No. 94-129

Dear Ms. Salas:

Pursuant to the procedures established in the Federal Communications Commission's ("FCC") First Order On Reconsideration in CC Docket No. 94-129 released May 3, 2000 ("May Order"), the Maryland Public Service Commission ("MDPSC") is electing to take primary responsibility for resolving Maryland consumers' slamming complaints as of the effective date of the FCC rules. The information required to be included in the state notification by 47 C.F.R. §64.1110(a) and ¶29 of the May Order is provided below:

**Complaint Process**

**Method of Filing:** Consumers may contact the Maryland Public Service Commission regarding their slamming complaints by letter, fax, or telephone.

**Location of Filing:****Mailing Address:**Maryland Public Service Commission  
Office of External Relations  
6 Saint Paul Street  
Baltimore, Maryland 21202**Toll-free Consumer Complaints****Phone Number:**

1-800-492-0474, option #1

**Fax Phone Number:**

410-333-6844

No. of Copies rec'd 014  
List A B C D E**Internet Online Complaint Form:** [www.psc.state.md.us/psc/CustomerService/forms.htm](http://www.psc.state.md.us/psc/CustomerService/forms.htm)**Filing Fees:** None

**Documentation Consumer Must Provide:**

Staff will request a copy of the page or pages of the complainant's telephone bill that contains the alleged unauthorized carrier's charges. An investigator will contact the alleged unauthorized carrier and request proof that, prior to switching the consumer, the carrier obtained authorization from the consumer, or other application statement.

The alleged unauthorized carrier is required by MDPSC rules to respond to the complaint investigator within seven business days. The FCC rules require a carrier to remove all unpaid charges from a subscriber's bill pending a determination of whether an unauthorized charged has occurred - if the carrier has not already done so. Upon receipt of the carrier's proof of authorization, the investigator will determine if the verification complies with State law and MDPSC rules. Any evidence supplied by the consumer also is taken into account. The MDPSC verification requirements meet or exceed the requirements established by the FCC. If the investigator determines that the carrier's verification complies with State law, the consumer will be notified that the investigator has concluded that no slam occurred. If the investigator determines that the verification is inadequate, then the carrier and consumer are informed that a slam did occur and, in accordance with 47 U.S.C. §258(b)<sup>1</sup>, both federal and state remedies apply. If the carrier fails to provide proof of authorization or fails to respond to the complaint, the investigator will determine that a slam occurred and notify both the carrier and consumer of that finding.

Upon completion of the investigation the investigator will provide the carrier and consumer with a written determination, as well as information pertaining to further review of the determination and the appeal process. A carrier or consumer who is dissatisfied with the resolution of the slamming complaint may request further review from the Manager of the Office of External Relations within ten days of having received the investigator's determination. The Manager's disposition may be appealed to the MDPSC within ten days of its receipt.

**FCC - State Coordination:**

**Reporting:** The Maryland Public Service Commission Staff enters each slamming complaint that is investigated into the MDPSC's complaint database. In accordance with ¶34 of the May Order the MDPSC agrees to regularly file information with the FCC that details slamming activity in our State to facilitate joint enforcement activities.

**Coordination:** The primary contact for the FCC for coordination of FCC complaint referrals and State reporting is Mr. Robert Harris, Assistant Manager, Office of External Relations.

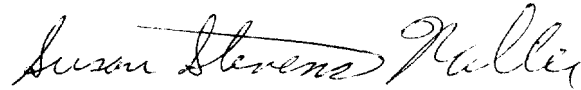
---

<sup>1</sup> Section 258(b) says specifically that the federal procedures created to implement subsection (b)'s remedies for slamming, as prescribed in the FCC's Rules, are "in addition to any other remedies by law."

Ms. Magalie Roman Salas  
October 31, 2000  
Page 3

The Maryland Public Service Commission looks forward to working with the FCC.

Sincerely,

A handwritten signature in cursive script, reading "Susan Stevens Miller".

Susan Stevens Miller  
General Counsel

cc: Roderick K. Porter, Acting Chief, Consumer Information Bureau  
Dorothy Attwood, Chief, Common Carrier Bureau  
Karen Peltz Strauss, Deputy Bureau Chief, CIB  
Carol Matthey, Deputy Bureau Chief, CCB  
Roy E. Kolly, Associate Bureau Chief, CIB  
Glenn Reynolds, Associate Bureau Chief, CCB  
Michele K. Walters, Assistant Division Chief, CCB, Accounting Policy Division